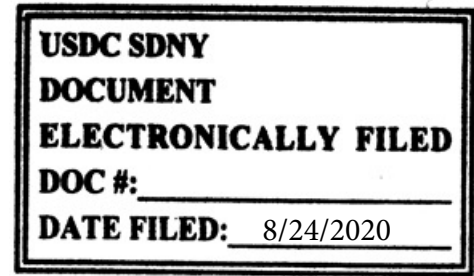


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August 24, 2020

BY ECF

Hon. Stewart D. Aaron, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

ENDORSEMENT: The prior motion and cross-motion were deemed withdrawn. If either Plaintiffs or Defendants wish to re-file their motions, they shall do so no later than 8/31/2020. In addition, the parties shall meet and confer and file a joint letter regarding a proposed discovery schedule no later than 9/4/2020. SO ORDERED.

Dated: 8/24/2020

A handwritten signature in blue ink that reads "Stewart D. Aaron".

Re: *Agapito v. Amir Ram Bagels, Inc., et al.*
Case No. 18-CV-8079 (ALC) (SDA)

Dear Judge Aaron,

We are counsel to the plaintiffs in the above referenced matter. Please accept this letter as plaintiffs' request to: (i) restore plaintiffs' cross-motion to sever, and (ii) schedule a discovery status conference at the Court's earliest convenience.

On May 4, 2020, the Court granted the parties' joint request to refer this matter to mediation. In doing so, the Court noted that the parties' pending motions were deemed withdrawn, without prejudice to refile them within ten (10) days following mediation. Mediation concluded on August 14, 2020 without the parties reaching an accord.

At this moment, it is unknown whether the defendants intend to refile their motion to refer this matter in its entirety to the Eastern District Bankruptcy Court. In the event the defendants decide not to refile their motion, plaintiffs nevertheless intend to proceed with their cross-motion to sever (ECF No. 61), and ask the Court to accept this letter as plaintiffs' request that their cross-motion be restored and be decided independently of the defendants' (presumably) withdrawn motion to refer. To that end, plaintiffs hereby enclose their reply brief in further support of their cross-motion. Should the Court require that plaintiffs' cross-motion be refiled as a new motion, we are prepared to do so, and request one additional week to file the motion papers.

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Finally, we ask that a discovery status conference be scheduled at the Court's earliest convenience.

Respectfully submitted,



Justin Cilenti

cc: Defense Counsel (by ECF)